

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)
) Criminal Case No 21-CR-41-05-JL
V.)
)
NOBODY)

MOTION TO CLARIFY THE STATUS OF COUNSEL

Counsel for the defendant, Nobody, moves this Honorable Court to clarify the status of counsel. The attorney client relationship is tenuous, and Counsel requests the Court to determine if the attorney client relationship can continue.

In support of this motion counsel states:

- 1) Counsel was appointed to represent the defendant on March 16, 2021, pursuant to the Criminal Justice Act.
- 2) On April 5, 2021, counsel was provided an audio-recording of a jail phone call that the government will offer at a detention hearing now scheduled for April 8, 2021, at 2:00 p.m. before Magistrate Judge Johnstone.
- 3) In email correspondence on April 5, 2021, AUSA Koneski noted: “your client made a comment in the call that could be construed as a threat to you.” Undersigned counsel replied: “Nobody and I had a screaming phone call on March 29, but since then we have seemed to patch things up.”
- 4) Absent this evidence presented by the government, counsel would not have sought the Court’s guidance on these attorney client relationship difficulties. However, after reviewing this phone call, counsel is compelled to bring these issues to the Court’s attention.
- 5) The attorney client relationship is based on trust, honesty, and candor. If the client does not trust the attorney, there are serious problems in the relationship.
- 6) Further details in support of this motion are set forth in an “Affidavit of Counsel” that is filed under seal. Counsel would ask the Court to review the affidavit ex parte, because portions of the affidavit contain privileged conversations.

Wherefore, undersigned counsel respectfully requests this Honorable Court have a hearing on the status of counsel.

Respectfully submitted,
/s/ John V. Apruzzese # 268149

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L.R. 7.1(a) MEMORANDUM STATEMENT

A memorandum is not necessary for the proper disposition of this motion.

L.R. 7.1(c) STATEMENT OF CONCURRENCE

Given the nature of this motion, the position of the government has not been sought.

Certificate of Service

I hereby certify that I served a copy of Counsel's Motion to Clarify the status of Counsel pursuant to the CM/ECF system which was sent electronically to the registered participants on this day, April 5, 2021.

/s/ John V. Apruzzese # 268149

Respectfully submitted,
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